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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,329	08/31/2005	Katsuhiko Shinozaki	0072-TS41	5113

110 7590 02/21/2007
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

MCPARTLIN, SARAH BURNHAM

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/520,329	Applicant(s) SHINOZAKI ET AL.	
	Examiner Sarah B. McPartlin	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim for foreign priority based on application numbers 2002-197294 and 2003-158913 filed in Japan on July 5, 2002 and June 4, 2003 respectively.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said operating pin" (claim 1, line 28) lacks sufficient antecedent basis. In the interest of compact prosecution, the Examiner has assumed that said operating pin is in fact referring to said locking pin. Clarification is required. Claims 2-10 are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (5,395,154) in view of Yoo (4,770,559). With respect to claim 1, Wang discloses a recliner device (2) for a vehicle seat, said vehicle seat comprising a seat back (1) and a seat cushion (3); said recliner device (2) comprising: a first bracket (8) provided at a side of said seat back (1) and extending downwardly from the side of the seat back (1); said first bracket (8) having a lower end portion (unlabeled) in the form of a partial circle depicted in Figure 2; a second bracket (7) provided at a side of said seat cushion (3) and extending rearwardly from said side of said seat cushion (3); said second bracket (7) having a rear end portion (unlabeled) in the form of a partial circle best depicted in Figure 2; said first bracket (8) being pivotally connected at said lower end portion thereof to said rear end portion of said second bracket (7) by means of a supporting pin (6) with said lower end portion thereof being overlapped on said rear end portion of said second bracket (7), whereby said seat back (1) is pivotable around said supporting pin (6) in such a manner that an attitude of said seat back is changed to a vertically standing posture, a forwardly including posture or a rearwardly including posture relative to said seat cushion (3); said lower end portion of said first bracket (8) having spaced apart apertures (11) formed along a circumferential edge thereof so as to be coaxial with said supporting pin (6); a locking pin (14) having an inner end portion (unlabeled) and an outer end portion (unlabeled) located adjacent operating means (13); said locking pin (14) penetrating said rear end portion of said second bracket (7) so as to be axially movable and protruding toward said circumferential edge of said lower end portion of said first bracket (8); a spring (15) mounted around said locking pin (14) for

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urging said locking pin (14) toward said circumferential edge of said lower end portion of said first bracket (8) and causing said inner end portion of said locking pin (14) to be engaged with any one of said apertures (11), to thereby allow said seat back (1) to be maintained in said vertically standing posture, said forwardly inclined posture or said rearwardly inclined posture; a receiving base (16) mounted on an outer surface of said rear end portion of said second bracket (7), as best depicted in Figure 2, and coaxially surrounding said locking pin (14); an operating means (13) mounted to said outer end portion of said locking pin (14) so as to be poised to said receiving base (16); and cooperating cam surface means (17)*18) on said operating means (13) and said receiving base (16), wherein when said operating means (13) is rotated relative to said receiving base (16), said locking pin (14) is axially moved away from said circumferential edge of said lower end portion of said first bracket ((8) and then disengaged from said one of said apertures (11) with which said inner end portion of said locking pin (14) has been engaged until now, whereby said seat back (1) is allowed to be pivoted around said supporting pin (6).

As disclosed above, Wang reveals all claimed elements with the exception of notches formed at the circumferential edge of the first bracket.

Yoo teaches a positioning joint with a first bracket (2) and a second bracket (1). A support pin (8) facilitates rotation between the two brackets (2) and (1). A locking pin (6) locks the two brackets (2) and (1) at various angles with respect to each other. Locking pin (6) interacts with notches (10)(10')(10'') to facilitate locking of the two brackets at various angles.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to replace the apertures (11) disclosed by Wang with notches (10) as taught by Yoo. Such a modification would increase the overall strength of the bracket (8) given that the holes (11) would essentially weaken the outer edge of the device.

Allowable Subject Matter

6. Claims 2-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Williams et al. (5,496,092); Washeim (1,224,982); Simmers (1,234,402); Engels (4,773,704); Yamashita et al. (6,565,156); James (6,685,266); Oshiro (4,236,753); Katoh (7,08,375) and Peterson (3,784,252).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sarah B. McPartlin
Patent Examiner
Art Unit 3636

SBM
February 16, 2007